

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

DAVIDSON OIL COMPANY,

Plaintiff,

vs. NO: 1:20-CV-00838-RB/JHR

CITY OF ALBUQUERQUE,

Defendant.

VIDEOCONFERENCE DEPOSITION OF JENNIFER BRADLEY

December 22, 2021

1:34 p.m.

PURSUANT TO THE FEDERAL RULES OF CIVIL
PROCEDURE, this deposition was:

TAKEN BY: ROSS L. CROWN
Attorney for the Plaintiff

REPORTED BY: Robin A. Brazil, RPR, NM CCR #154
Bean & Associates, Inc.
Professional Court Reporting Service
201 Third Street, Northwest, Suite 1630
Albuquerque, New Mexico 87102

(6079N) RAB

Exhibit 4

<p style="text-align: right;">70</p> <p>1 uncertainty in the City's total use or need for oil. 2 Do you see that reference? 3 A. Yes. 4 Q. Now, the contract, I think, as we've 5 already discussed, didn't require the City to 6 purchase any particular quantity of fuel from a 7 vendor, right? 8 A. Correct. 9 Q. So if the City's need for oil plummeted as 10 a result of the pandemic, it still -- the City still 11 had the right to purchase as little fuel oil as it 12 needed; is that correct? 13 A. Correct. 14 Q. Let me ask you to skip ahead now to 15 Interrogatory Number 12. 16 A. Okay. 17 Q. And the last sentence of the answer to 18 Interrogatory Number 12 -- and this is referencing 19 negotiations -- it said the City made an effort with 20 Davidson, and they would not work with us. Do you 21 see that? 22 A. Yes. 23 Q. Is that a true statement, that Davidson 24 wouldn't work with you on pricing? 25 A. I'm thinking that goes back to the email</p>	<p style="text-align: right;">72</p> <p>1 Q. And the City ended up not accepting any of 2 those three proposals; is that right? 3 A. I don't believe they did. 4 Q. Do you know why not? 5 A. No, I don't. 6 Q. Let me -- I'm just going through my notes 7 here. I think I've covered a lot, so give me a 8 moment here. 9 When the City entered into the fixed-price 10 contract with Davidson Oil in January of 2020, is it 11 fair to say that the City recognized that depending 12 on what happened in the oil market, the City may end 13 up paying Davidson more for fuel oil than the market 14 price? 15 A. That's fair, yeah. 16 Q. And the City was willing to do so? 17 A. Yes. Well, I don't know if the City, 18 who -- I mean, the -- City is a big word, so would 19 budget be happy about it? Would admin be happy 20 about it? Departments having to do it be happy 21 about it? Purchasing be happy about it? That's a 22 different answer for everybody, probably. 23 Q. Well, who speaks for the City with regard 24 to this case? 25 A. There's probably different parts of it</p>
<p style="text-align: right;">71</p> <p>1 that Iris asked them to decrease their prices, and 2 they said no. 3 Q. You're aware that Davidson did offer some 4 alternative pricing arrangements later on after the 5 termination for convenience; is that correct? 6 A. I believe I was in that meeting with City 7 legal and everybody. 8 Q. So your answer to my question is yes? 9 A. Yes. Yes. 10 Q. In fact, let me -- do you have the City's 11 deposition exhibits available to you? 12 A. Yes. 13 Q. Can you look at Deposition Exhibit 6 of 14 the City's exhibits? 15 A. Okay. 16 Q. And you'll see this is an email from me, 17 and it's to John DuBois, although it doesn't say 18 that on the face of it, but it's in the response. 19 Do you see that? 20 A. Okay. 21 Q. You see that the email references that 22 Davidson Oil is willing to agree to one of the 23 following proposals for pricing fuel oil. Do you 24 see that? 25 A. Yes.</p>	<p style="text-align: right;">73</p> <p>1 that different parts of the City would speak to. I 2 can tell you about procurement. I can't tell you 3 about all the investment information and all that, 4 you know, decisions that were made or anything like 5 that, but you mean the outcome of this case? I 6 would think that would be City legal if there was 7 decisions. 8 Q. Who does Mr. Bhatka report to? 9 A. That is directly to the mayor. 10 Q. Okay. He does not go through the -- is 11 there a chief operating officer or chief 12 administrative officer? 13 A. So the executive team is the COO, the 14 chief operating officer, chief financial officer, 15 and the chief executive officer. That's the 16 executive team that report to the mayor, and all the 17 departments report to them. 18 Q. Okay. So the only person in the City 19 hierarchy that outranks Mr. Bhatka would be the 20 mayor; is that correct? 21 A. Correct. 22 Q. When the City entered into the fixed-price 23 contract with Davidson Oil, did you yourself have a 24 particular reaction to that contract? 25 A. Nope.</p>